

OFFICE OF SOIL AND WATER CONSERVATION
STATE SOIL AND WATER CONSERVATION COMMISSION

JULY 29, 2009
1:15 P.M.

ESTAURINE HABITAT COASTAL FISHERIES CENTER
INTERPRETIVE CENTER, ROOM #116
646 CAJUNDOME BOULEVARD
LAFAYETTE, LA 70506

PROCEEDINGS/MINUTES

CALL TO ORDER

The regular monthly Commission meeting was called to order by Chairman Guillory at 1:15 P.M.

ROLL CALL

The roll was called by Joey Breaux.

Members present: Chairman George Guillory, Ernest Girouard, Ed Yerger, Garland Colvin, John Compton, and Randell Fletcher

Members absent: None

A quorum was present.

Others present: Ron Marcanetel, NRCS; Dwight Landreneau, LSU; Brad Spicer, LDAF; Joey Breaux, LDAF; George Dausat, Calcasieu SWCD, Gay Colvin, Jennifer Mooney and Caycee Cannon

APPROVAL OF THE MINUTES

Chairman Guillory called for a motion to approve the minutes of the June 23, 2009 State Commission meeting.

Motion: Mr. Fletcher made a motion to approve the minutes from the June 23, 2009 Commission meeting. The motion was seconded by Mr. Compton and passed unanimously.

Agenda Amendment

Chairman Guillory asked for a motion to amend the agenda to allow Ms. Caycee Cannon to address the Commission.

Motion: Mr. John Compton made a motion to amend the agenda to allow Ms. Caycee Cannon to address the Commission. The motion was seconded by Mr. Garland Colvin and passed unanimously.

Chairman Guillory introduced Ms. Caycee Cannon and welcomed her to the meeting, and asked her to make her presentation. Ms. Cannon said she had worked for almost six weeks, beginning June 1, 2009, as a Program Assistant for the Rapides SWCD. She said that she was within her 90 day probationary period when her job with the Rapides SWCD was terminated on July 8th. She said that when she asked for a reason for the termination, the Rapides Board of Supervisors told her she had done an excellent job, but the board had made a decision to terminate her employment with them and that they were not required to divulge any further information. Ms. Cannon said that when she refused to leave without a reason, she was told that the Rapides Board had heard that she intended to leave their employment soon, and they were only considering a long-term commitment. She said that she had no intention of leaving her job with Rapides SWCD anytime in the next four-five years, and wanted a legitimate reason for being terminated from a job she was told she had done well. She said she came here today to seek the State Commission's assistance in this matter. Chairman Guillory asked Mr. Spicer to respond. Mr. Spicer said that Louisiana law does not require employers to state reasons for

termination, and that employees may be terminated without cause. He said that secondly, the State Commission has no authority to force districts to act conversely to their legal rights or requirements, but can only enforce policy that helps to ensure that their performance and conduct is in accordance with the law. He said that, in short, this Commission can not dictate to a district what they can or can not do in making legitimate personnel decisions. Mr. Spicer said that he understood her position, and that she has every right to be heard by the State Commission, but this Commission cannot help her in this matter. Ms. Cannon said that one of the State Commission's PPMs states that districts are to record and submit to the State Office the reason for termination of an employee. Mr. Spicer said this PPM is intended only to provide guidance to the districts for financial planning, such as to determine potential worker's compensation or unemployment claims, and that this PPM does not preclude State statutes. Ms. Cannon thanked the Commission members for listening to her complaint and said that she still feels that she has been treated unfairly and plans to pursue the matter further with the National Labor Relations Board. Chairman Guillory and the other Commission members wished Ms. Cannon well and hoped that she would soon find other gainful employment.

UNFINISHED BUSINESS

Chairman Guillory said they would next take up Unfinished Business and requested Mr. Spicer to report on the items listed on the agenda.

SWCD Farm Bill Implementation Report

Mr. Spicer said the districts Farm Bill invoices for March, April, May and June have not been paid. He said all payments have been processed and as soon as the department budget shortfall is resolved, Farm Bill payments will be made to the districts. He said that it will be before August 15, 2009.

District Audits

Mr. Spicer said the next item on the agenda is FY 2008-2009 and FY 2009-2010 audits. He said Mr. Bennie Tate will be retiring at the end of July and that there is no one scheduled to replace him at this time. Mr. Spicer said that this puts the districts in a very serious situation regarding meeting the Legislative Auditors Office's audit deadlines. He said the first deadline is for the fourteen districts with less than \$50,000 operating budgets to have a sworn financial statement submitted to the state auditor's office by September 30, 2009.

Mr. Spicer said that the rest of the districts have until December 31, 2009 to submit their review, compilation or audit. He said there are two districts that have operating budgets in excess of \$200,000 and both of these districts have engaged a local CPA firm to conduct a compilation or audit for their districts. Mr. Spicer said that Mr. Krielow has agreed to do the districts with budgets less than \$200,000 provided he does not have to do the fieldwork. Mr. Compton said that it is critical that the districts get some assistance with making sure they have all their financial statements and related documents completed and in the format required by Mr. Krielow. He said Mr. Tate is probably the only person currently capable of assisting the districts in getting their financial records prepared for the CPA to review. He said he would like Mr. Spicer to work with him and other LACD officers, the districts and Mr. Tate to see if they can come to an agreement for Mr. Tate to assist them with the preparing and organizing of their financial statements and related documents. Mr. Compton said it is critical that the fourteen districts that need to report to the State Auditors Office by September 30, 2009 get started on their financial statements immediately. He said if the Commission agreed that he would contact Mr. Tate and work with Mr. Spicer to get the assistance for the districts that they need to prepare their financial statements. Chairman Guillory said if there were no objections then he would request Mr. Compton to work with Mr. Tate and the districts to make sure they will be able to meet the deadline for submitting their financial statements. Mr. Compton said, if necessary, he would request Mr. Spicer to assist him in this effort. Chairman Guillory said if there were no objections then Mr. Compton should work toward getting assistance for the districts that want Mr. Tate's help.

NACD Regional Meeting – August 12-14, 2009

Chairman Guillory asked Dr. Girouard for his comments on the upcoming NACD Regional meeting to be held in Baton Rouge.

Dr. Girouard said they have a great program lined up for the NACD South Central Regional meeting. He said the speakers will focus primarily on alternative energy sources and related topics. He said because of the downturn in the economy the attendance will likely be down considerably from last year's meeting in Arkansas. Mr. Spicer said in addition to a good group of speakers, they also will tour the Port of Greater Baton Rouge and visit the LSU Sugar Cane Research Station at St. Gabriel. He said that they also have a cajun meal and entertainment planned for Thursday evening. Mr. Spicer said he encourages the Commission members and others to attend this very informative meeting.

NACD Legislative Conference – July 19-21, 2009

Mr. Spicer said that he, Dr. Girouard, Mr. Bruce Frazier, Mr. John Compton and Mr. Kevin Norton attended the NACD Legislative Conference in Washington, D.C. July 19 through July 22, 2009. He said that he did not consider their visit as productive this year as it was last year. He said, however, that last year they had considerable conservation issues to deal with that have since been resolved. He said the legislators appeared to be preoccupied with the issues surrounding health insurance and carbon cap and trade legislation. He said the congressmen they met with were all opposed to the current legislation on health insurance, and cap and trade to be considered by congress. Dr. Girouard and Mr. Compton said they also felt that the Louisiana delegation is spending most of their time dealing with cap and trade and health insurance issues, but that it was a very worthwhile trip. Mr. Compton said that it is important to visit on a regular basis with the state's congressional delegation.

NEW BUSINESS

NRCS State Conservationist Report

Chairman Guillory asked Mr. Ron Marcantel to give the NRCS State Conservationist Report in Mr. Norton's absence. Mr. Marcantel handed out copies of the printed report depicting various NRCS and partnership accomplishments from across the state over the past month, and year to date. Mr. Marcantel said that the state NRCS budget continues to be very tight, yet some recent staffing decisions have been made based on district board concerns and requests regarding the lack of full-time District Conservationists (DC) in their field offices. Mr. Marcantel said that DC vacancies will be filled in the Clinton, Franklin, Mansfield and Farmerville field offices. He said that EQIP funding in Louisiana has been very insufficient and only about \$417,000 was received out of \$10 million requested. He said that Mr. Norton has since made additional requests for EQIP funding and that an undetermined amount of additional funds are expected. Mr. Marcantel said this concluded the report.

Correspondence

Chairman Guillory asked Mr. Spicer to review the several items under Correspondence.

Mr. Spicer said the first item is a letter to NRCS State Conservationist, Mr. Kevin Norton, from Calcasieu SWCD Chairman, Mr. George Dauzat, stating that their Mutual Agreement with USDA, and the State of Louisiana, as well as the Cooperative Agreement with USDA NRCS were signed back in 1996. He said the letter further states that these documents were signed by individuals that are no longer with the Louisiana NRCS or the district. Mr. Spicer said that this is the case with all the districts. He said it is not necessary for these documents to be signed by current board members or USDA leaders in Louisiana or Washington D.C. He said it is important however, that the board review these documents at least on an annual basis. Mr. Marcantel said that it is very difficult to get the USDA Secretary to sign these agreements for more than 3,000 districts and unless there are changes made to the working language of the agreement, they do not need to be resigned because of a change in leadership with any of the signing partners.

Mr. Spicer said that the next item is Louisiana House Resolution No. 124 by Representative Morris. He said that the resolution directs DOTD and LDAF to conduct a study and to prepare a report on the watershed structures. He said this resolution was enacted as result of the efforts to get \$3.7 million in 2010 Capital Outlay budget to repair the 35 watershed structures built under PL 566. He said that the resolution asked the agencies to conduct a study and inspection. He said this has already been done by the NRCS. He said he will work with the NRCS and DOTD in preparing the report requested by the Louisiana House of Representatives Committee on Appropriation. He said the report is due on January 1, 2010. Mr. Spicer said the same resolution was passed by the Louisiana Senate.

Mr. Spicer said the next item is a copy of the NACD news release announcing that on July 13, 2009, NACD hired a new Chief Executive Officer, Mr. Doug Loudenslager, who was recently the Chief Operating Officer for the National FFA Organization and the National FFA Foundation. He said Mr. Loudenslager will be attending the South Central NACD Regional meeting and is scheduled to speak on Wednesday afternoon.

Mr. Spicer said the next two items are press releases by Commissioner Strain dealing with the Recovery Grant and a \$2.4 million Loan Program that provides aid for aquaculture producers under the American Recovery and Reinvestment Act of 2009. He said the Recovery Act funds are to provide aid to producers that lost money associated with high feed inputs in 2008.

Mr. Spicer said the last item is National Association of State Departments of Agriculture (NASDA)'s position statement on Senate Bill 787 (Clean Water Restoration Act). He said this bill would amend the Clean Water Act to move the term "navigable" from the definition of waters covered under the Clean Water Act. He said such a change would most likely expand the land area currently under federal jurisdiction. He said that it could possibly take in another 400,000 acres of farmland in Louisiana. He said Commissioner Strain has sent letters to both Senators Vitter and Landrieu asking them to make sure that this legislation does not adversely impact Louisiana landowners, particularly the state's farm and forest landowners.

Mr. Spicer asked if there were any questions and if not, that concluded correspondence.

FY 2009-2010 Budget

Chairman Guillory asked Mr. Spicer report on the 2009-2010 budget. Mr. Spicer said that he has not received his official budget figures, but that the department's budget is posted on the internet. He said based on his discussions with the OSWC accountant, it appears that the state general funds for the OSWC will be approximately \$2.27 million. He said this is a cut of over \$300,000 from the 2007-2008 budget and \$265,000 less than the initial 2008-2009 budget. Mr. Spicer said that this means additional cuts to his office and to the districts. He said, additionally, the EPA 319 funds going to the districts will no longer be available. He said EPA has restricted the use of agriculture nonpoint source 319 funds to the implementation of EPA approved BMPs. He said all future projects will be required to use over 80% of the funds for the cost of implementing BMPs. Mr. Spicer said the grant that provides 319 money to districts for technicians support will end in mid August of this year.

Supervisor Resignations/Appointments and Reappointments

Chairman Guillory asked Mr. Spicer to report on the supervisor resignations and appointments. Mr. Spicer said there were no supervisor resignations to report this month.

Mr. Spicer said the respective conservation district is requesting the State Commission to appoint the following supervisor to a new term in office:

Northeast SWCD, Mr. Gary Ward appointed to fill expired elected position of Mr. Thomas Herrington. Term will begin July 29, 2009 and expire on June 30, 2012.

Motion: Mr. Yerger made a motion to approve the appointment of supervisor Mr. Gary Ward, elected position, Northeast SWCD. The motion was seconded by Dr. Girouard and passed unanimously.

OTHER BUSINESS

Chairman Guillory asked Mr. Breaux to present the draft district agreements to the Commission. Mr. Breaux said that the Crescent and Plaquemines SWCDs each propose to partner with the Bayou Land RC&D for assistance in completing their marsh re-vegetation projects this year. He said that due to the State of Louisiana's hiring freeze currently imposed, the Office of Soil & Water Conservation is unable to fill the vacant Project Manager positions in this program and these agreements will enable these districts to get their projects completed within the contract period. Mr. Guillory asked what type of assistance is to be provided by the RC&D, and Mr. Breaux said that Mr. Gary Fine is employed by the Bayou Land RC&D and these agreements will allow for his assistance and oversight in getting the plantings installed properly, as Mr. Fine has considerable experience in coastal re-vegetation work.

Chairman Guillory asked for a motion to approve the proposed district agreements between the Crescent and Plaquemines districts and the Bayou Land RC&D Council.

Motion: Mr. Compton made a motion to approve the proposed district agreements between the Crescent and Plaquemines SWCDs and the Bayou Land RC&D Council. The motion was seconded by Mr. Colvin and passed unanimously.

Chairman Guillory asked if there was any other business to come before the Commission and there was none.

NEXT MEETING

Chairman Guillory said the next Commission Meeting is scheduled for August 25, 2009, but Mr. Compton asked the Commission to consider changing the meeting date to August 12th to coincide with the NACD Regional Meeting being held in Baton Rouge. After a discussion, Chairman Guillory said it is the consensus of the Commission to change the next Commission meeting to 10:00 AM on Wednesday, August 12, in the Chairman's Library, Crown Plaza Hotel, Baton Rouge, Louisiana.

PUBLIC COMMENTS

Chairman Guillory asked if there was any other business or comments. None replied.

ADJOURNMENT

Chairman Guillory said if there was no other business that he will accept a motion to adjourn.

Motion: Mr. Colvin made a motion to adjourn at 2:45 P.M. The motion was seconded by Mr. Compton and passed unanimously.

/s/ George Guillory
George Guillory, Chairman